

REPORT TO THE SIXTY-FIRST MONTANA
LEGISLATURE ON THE ACTIVITIES
OF THE
CLERK OF THE SUPREME COURT

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Submitted by:

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I. Introduction - Caseload management

The office of the Clerk of the Supreme Court conducts the business of the Court, managing the caseload and serving as the liaison between the public, attorneys, and the Court. In calendar year 2008, the office filed 649 new legal cases which included 506 direct appeals; 135 original proceedings (writs); and 8 attorney discipline matters. The office closed 783 cases during 2008 which left a pending caseload number at 553 cases as of January 1, 2009. This number reflects the fewest cases carried over from year to year since 1998. (complete official caseload statistical reports for 2008 are attached).

In addition to these case types, the office manages and maintains the official record for over fifty ongoing administrative actions regulated by the Court. Examples of these types of actions are rules revisions, commission appointments, attorney admission and bar regulation.

II. Attorney Licensing

The Clerk of the Supreme Court is responsible for maintaining Montana's Roll of Attorneys. In 2008, 143 new attorneys were added to the roll bringing the total number of attorneys to 4,201 by January 1, 2009. Of that number 3646 attorneys reside in Montana and 555 are out of state.

III. Appellate Mediation

Pursuant to the Rules of Appellate Procedure, the Clerk of the Supreme Court administers appellate mediation which is required for all Domestic Relations, Money Judgments, and Workers' Compensation appeals. Under the current rules, the parties are allowed fifteen days from the filing of the notice of appeal to agree upon a mediator. If the parties fail to select a mediator the Clerk of the Supreme Court then appoints a mediator from a list of self-nominated attorneys. In 2008, 204 mediators were assigned to mediate appeals, with 119 appointed by the Clerk, and 85 selected by the parties. In 2008, over 21% of cases subject to mandatory mediation were successfully mediated which reduced the overall number of appeals the Court had to consider by 8.5%.

IV. Technology and Customer Service

In an effort to provide better public service, in 2008 the Clerk of the Supreme Court initiated a pilot project with the offices of the Attorney General and the Appellate Defender in which Supreme Court opinions and orders are sent electronically. The pilots were successful and this service is now being offered to all appellate counsel across the state. Electronic service should provide more immediate service.

In 2008, the Clerk also initiated a project to make the Supreme Court docket viewable via the internet. This "public view" docket will allow interested parties to review the status of their cases and submissions at their convenience while reducing the time staff spends responding to status inquiries.

Additionally, the Clerk has been appointed chair of the Court's Commission on Technology's e-Filing and Remote Access Task Force. The task force is currently working on the functional requirements necessary to submit a request for proposal (RFP) for an e-Filing system that would be employed at all levels of courts, statewide.

V. Records Retention

The Clerk of the Supreme Court is the custodian of the records of the Supreme Court. The Supreme Court case records are permanent records and must be retained in perpetuity. At present the Clerk stores over 70 years of court records in paper form at the Secretary of State Records Management Division and at the Montana Historical Society. Records from statehood to 1937 have been microfilmed. As a part of the effort to improve and reduce costs of archiving documents going forward, the Clerk is working to address archiving needs through the e-Filing project (see paragraph above). If a system can be designed to capture and electronically store the records at the time of submission, tremendous savings of time and money will occur.

VI. Revenue Collected

In FY 2008, the Clerk collected \$105,425 in attorney license taxes and \$34,013.34 in general court fees.